

COMMISSIONERS APPROVAL

CHILCOTT 

LUND 

THOMPSON

TAYLOR (Clerk & Recorder)

Date.....July 17, 2006

Members Present.....Commissioner Greg Chilcott,
Commissioner Betty Lund and Commissioner Alan Thompson

Minutes: Glenda Wiles

The Board met with Peter Rosten of MAPS (Media Arts in Public Schools) in regard to an application for Cultural Trust Grant monies. Peter explained the background of how MAPS got started and what they are currently doing. He stated the MAPS program would like to apply for Cultural Trust Grant monies and needs Ravalli County to be the government sponsor. He stated these monies would come in fiscal year 2007 and he would like to utilize the monies to start a video class in another high school. Currently the video class is at Corvallis High School. Administrative Director Skip Rosenthal was also present and stated his office has no problem handling the pass through grant monies. He stated he would need to make sure the County could be the administrator of two of these grants because the Commissioners recently approved another application for the Hamilton Players.

Commissioner Lund made a motion to sponsor the Cultural Grants Application for MAPS. Commissioner Thompson seconded the motion and all voted "aye". Peter stated he would put the application together and bring it back to the Commissioners for signature.

The Board met to open the ACP Contract overlay bids. Road Supervisor David Ohnstad was present for this opening. Two bids were received as follows:

- JTL Group Inc. with a total bid of \$433,735.00
- Helena Sand and Gravel with a total bid of \$396,336.00

Commissioner Thompson made a motion to have the Road and Bridge Department review the bids for award on Monday. Commissioner Lund seconded the motion and all voted "aye".

In other business the Board met with Planner Karen Hughes for a planning update. Also present at this meeting was Civil Counsel James McCubbin and County Attorney George Corn. Karen presented a workload overview which indicated there are 53 subdivisions in the works. Of those 53 subdivisions, three of these subdivisions have 600 or more lots.

Eighteen of these subdivisions are major subdivisions which have more than 20 lots. The larger subdivision takes more senior staff attention and more hours worked. She stated she is watching the staff hours in conjunction with the fees paid.

Commissioner Chilcott asked if they could limit the amount of lots in the subdivisions. George indicated the county can not limit the number of subdivisions and or lots, but they can direct staff in the manner of time spent. George stated many have threatened to 'sue the county' for going over the time limits on subdivisions as set by state law. He stated he would welcome the suit and to let the court and legislators sort this out.

Commissioner Chilcott asked how they could protect the local land owners for the small subdivisions that are presented while the larger developments take an inordinate amount of time. George stated their best defense legally would be to follow the flow as the subdivisions are turned in. James added that while the planning staff is professional, some of the staff members are not as 'senior' or as 'seasoned' as others. Therefore, the larger subdivisions need to be handled by the senior staff members.

George stated the county should start charging people what the actual subdivision costs. The taxpayers should not be subsidizing the subdivision process. If they had more staff they could do subdivisions quicker.

Karen stated the statute allows a county to accept only a certain number of subdivisions. Madison County has adopted this statute and she is anxious to see how this works out. George stated he would need to review that statute before he would suggest seriously looking at this. George stated this law was written like the impact fees, in that they basically can not utilize them. He stated the legislators wrote the statutes very poorly.

Karen stated they would continue to process the subdivisions as they are submitted. The Board concurred.

Karen also addressed the 2007 proposed budget and staff utilization. This would allow one more staff member for the Planner 1 replacement position, and that position would actually be a Projects Planner. The Board directed Karen to move forward with filling this position.

In regard to county-wide zoning, Karen indicated she now has the mapping availability for the Planning Board Land Use Subcommittee's pilot project to move forward. Karen stated the figures coming in on a facility, and law enforcement impact fee study appear to be coming in at around \$25,000.00. She asked if the Planning Department should coordinate these efforts. Discussion included SB 185 being cleaned up during this next legislative session and she wonders if they should 'dump' any more monies into this current structure of impact fees. George agreed he would be reluctant to jump into this study if the law changes next February.

George stated the fast growth counties should coordinate together and come up with a 'boiler plate' or model regulations for new legislation. All the counties are hiring

different consultants and no one knows what the next county is doing. This should be a streamlined effort.

Commissioner Chilcott suggested they hold off on the move forward for the impact fees due to these concerns, but to move forward on researching any CIP issues. The Board concurred. In regard to the recent request by Florence Carlton School, the Commissioners can move forward on the resolution if and when the school comes forward with the information. The Commissioners stated they lend broad support on the enactment of impact fees but there needs to be better legislation to support the use of impact fees.

In other business Commissioner Chilcott attended a MR. TMA (Transportation Management) meeting during the afternoon hours.

The Board met with Road Supervisor David Ohnstad in regard to subdivision road design and improvement. Numerous engineers and consultants were in the audience along with Planner Karen Hughes. The county's consulting engineer Jonathan Gass of WGM was also present. After discussion, Commissioner Thompson moved that design exceptions are not variances unless they vary from Table B-1 or from any other major exception. Commissioner Lund seconded the motion and all voted "aye". Commissioner Thompson also made a motion to approve of the schedule of activities that were presented this date by the Road and Bridge Department. Commissioner Lund seconded the motion and all voted "aye".

In other matters, Civil Counsel James McCubbin met with the Board in regard to a proposed settlement agreement and mutual release on the Bradley W. Burgess litigation for violation(s) of a zoning district. Also present were numerous neighborhood residents and Planner Karen Hughes. James stated this settlement agreement has been worked on through mutual agreement with Mr. Burgess' attorney, Jennifer Lint. He stated the neighbors have the right to comment on this agreement. It was noted that only one Board of Health Member was present, John Swanson. If this settlement agreement is not approved by the Commissioners this date, then he would move forward with a survey and discovery.

This settlement agreement provides that Burgess will bring his property 100% into compliance which is subdivision, septic and zoning laws within 6 months. The 6-months could be extended due to delays in permits being obtained. The only obligation of the county would be to dismiss the litigation without prejudice if their requirements are met. Also, that Mr. Burgess admits to allegation of the complaint in Cause DV-06-46 which includes Board of Health powers to pursue litigation. Mr. Burgess would admit to the validity of the regulations that are in place. And lastly, septic and set back violations are admitted by Burgess. James also advised the Commissioners he is advising them to release the lis pendens which allows Mr. Burgess the ability to obtain financing.

James felt if Mr. Burgess does not comply, then the county could walk into court, filing the charges requesting attorney fees.

Present now was Environmental Health Director Theresa Blazicevich. She stated her office has not received any application for a permit but she will work with Mr. Burgess when and if he seeks applications. There was some discussion of obtaining a septic permit if he were to move the building. James stated Mr. Burgess will need to obtain 100% compliance, however it is obtained. James felt if they were to go to court it would take more than 6 months, so this settlement agreement is appropriate. Theresa also stated his state approval is for a single-family dwelling and if no compliance is met, DEQ can also become involved.

The meeting was opened for public comment.

A resident of the area, Sue Majors was absent and James passed on that Sue feels Mr. Burgess should comply with the regulations 100%

Kay Downey lives a few doors down from Mr. Burgess's property. She asked if the building is in compliance by being attached to the house; does that mean he can run a business from his home. Commissioner Thompson stated a home business like selling Avon is ok, but not a commercial business. Theresa relayed his state approval for DEQ does not allow a commercial business. James read a portion of the zoning regulations which does not allow commercial businesses either. The interpretation is a home business and certainly having employees would be commercial.

Gail Tintzman asked if Mr. Burgess is not able to obtain the money necessary to move the building; what happens then. James stated they would then bring the lawsuit forward and also seek attorney fees. The county could sell the property if necessary.

Jerry Downey presented a signed petition expressing their desire to make Mr. Burgess obtain compliance in the zoning regulations.

Kay Downey asked who would check on Mr. Burgess compliance. The Commissioners stated Environmental Health and Planning will check the property.

Gary Mason was one of the original homeowners who put the voluntary zoning district into effect. He appreciates the county's work on this violation.

Commissioner Thompson stated he appreciates the work done by Planning, Environmental Health and the County Attorney's Office. Commissioner Thompson made a motion to sign the Settlement Agreement and Mutual Release in the matter of Bradley W. Burgess as negotiated by Civil Counsel James McCubbin. Commissioner Lund seconded the motion and all voted "aye".

It was noted this matter will now go before the Board of Health for their approval.